

DFW



PATENT

Attorney Docket: 678-343

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Young-Ky KIM et al. Examiner: Cumming, William D.
Serial No: 09/382,443 Group Art Unit: 2683
Filed: August 25, 1999 Dated: September 30, 2005
For: **REVERSE CLOSED LOOP POWER CONTROL IN
CONTROL HOLD STATE FOR CDMA COMMUNICATION SYSTEM**

Mail Stop PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT
UNDER 37 C.F.R. §1.181**

Sir:

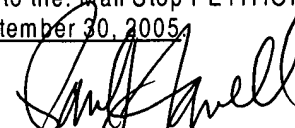
Applicants respectfully request that the above-identified application be revived as a pending application, and hereby petition that the abandonment set forth in the Notice of Abandonment mailed August 19, 2005 be withdrawn.

A Final Office Action was mailed September 21, 2004 in connection with this application. A Response was filed on November 30, 2004, which resulted in an Advisory Action being mailed on February 9, 2005. Applicants duly responded to

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postpaid in an envelope, addressed to the: Mail Stop PETITION, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on September 30, 2005.

Dated: September 30, 2005



Paul J. Farrell

this Advisory Action by filing a Request for Continued Examination on February 22, 2005, along with a two month Extension of Time fee, along with the application filing fees required therefor. Applicants respectfully submit herewith copies of the following documents:

1. Notice of Abandonment dated August 19, 2005;
2. Request For Continued Examination Transmittal which bears a Certificate of Mailing Under 37 C.F.R. §1.8(a) dated February 22, 2005;
3. Return receipt postcard bearing the U.S. Patent and Trademark Office mail room date stamp dated February 24, 2005; and
4. Petition for Extension of Time which bears a Certificate of Mailing Under 37 C.F.R. §1.8(a) dated February 22, 2005.

Since Applicants properly filed the Request for Continued Examination in a timely fashion, it is believed that the Notice of Abandonment was improperly issued and should be withdrawn. It is respectfully requested that the application be revived as a pending application.

It is Applicants' belief that no fee should be required since the Notice of Abandonment was improperly issued through no fault of Applicants. If a fee is due, please charge said fee to Deposit Account No. 04-1121. TWO (2) COPIES OF THIS SHEET ARE ENCLOSED.

DILWORTH & BARRESE, LLP
333 Earle Ovington Boulevard
Uniondale, New York 11553
(516) 228-8484

Respectfully submitted,

Paul J. Farrell
Registration No. 33,494
Attorney for Applicants

PJF/JWK:las

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Uniondale, New York 11553
(516) 228-8484

Respectfully submitted, .

A handwritten signature in black ink, appearing to read "Paul J. Farrell".

Paul J. Farrell
Registration No. 33,494
Attorney for Applicants

PJF/JWK:las



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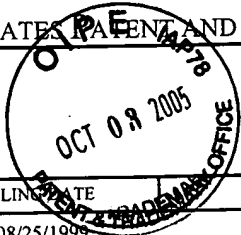
Respectfully submitted,

Paul J. Farrell
Registration No. 33,494
Attorney for Applicants

PJF/JWK:las



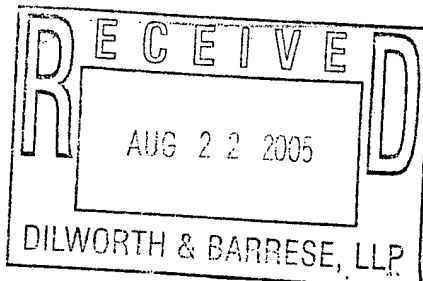
UNITED STATES PATENT AND TRADEMARK OFFICE



UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/382,443	08/25/1999	YOUNG-KY KIM	678-343-(P88	5237

28249 7590 08/19/2005
DILWORTH & BARRESE, LLP
333 EARLE OVINGTON BLVD.
UNIONDALE, NY 11553



EXAMINER	
CUMMING, WILLIAM D	
ART UNIT	PAPER NUMBER
2683	

DATE MAILED: 08/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



Notice of Abandonment

Application No.

09/382,443

Examiner

WILLIAM D. CUMMING

Applicant(s)

KIM ET AL.

Art Unit

2683


-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

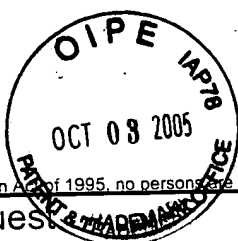
1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 21 September 2004.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☒ A proposed reply was received on 02 December 2004, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.

(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bonâ fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☐ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$ _____ is insufficient. A balance of \$ _____ is due.

The issue fee required by 37 CFR 1.18 is \$ _____. The publication fee, if required by 37 CFR 1.18(d), is \$ _____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:


WILLIAM CUMMING
PRIMARY EXAMINER

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.



PTO/SB/30 (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no person is required to respond to a collection of information unless it contains a valid OMB control number.

Request
For
Continued Examination (RCE)
Transmittal

Address to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	09/328,443
Filing Date	August 25, 1999
First Named Inventor	KIM, Young-Ky et al.
Art Unit	2683
Examiner Name	CUMMING, William D.
Attorney Docket Number	678-343 (P8855)

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).
- a. ☒ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- ii. ☒ Other **Response filed on November 30, 2004**
- b. ☐ Enclosed
- i. ☐ Amendment/Reply
- iii. ☐ Information Disclosure Statement (IDS)
- ii. ☐ Affidavit(s)/ Declaration(s)
- iv. ☐ Other _____
2. **Miscellaneous**
- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. ☐ Other _____
3. **Fees** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed. The Director is hereby authorized to charge any underpayments, or credit any overpayments, to
- a. ☒ Deposit Account No. **04-1121**
- i. ☐ RCE fee required under 37 CFR 1.17(e)
- ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)
- iii. ☐ Other _____
- b. ☒ Check(s) in the amount of \$ **\$790.00 & \$450.00** enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)
- WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Paul J. Farrell	Registration No. (Attorney/Agent)	33,494
Signature		Date	February 22, 2005

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Name (Print/Type)	Michael J. Musella	Date	February 22, 2005
Signature			



PATENT OFFICE DATE STAMP WILL ACKNOWLEDGE RECEIPT OF:

1. Petition for Extension of Time (in duplicate)
2. Request for Continued Examination (in duplicate)
3. Checks for \$790.00 & \$450.00
4. Return Postcard

All Under Certificate of Mailing

Applicant: Young-ky KIM et al.

For: REVERSE CLOSED LOOP POWER CONTROL IN CONTROL
HOLD STATE FOR CDMA COMMUNICATION SYSTEM

Filed: August 25, 1999

Serial No.: 09/382,443

Docket: 678-343

Date Sent: February 22, 2005

PJF/MJM/dr

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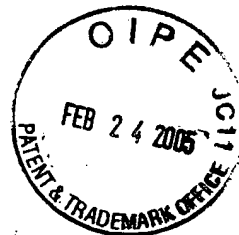
Filed:

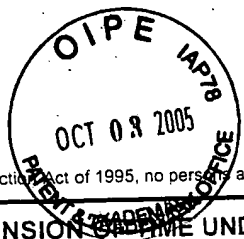
Serial No.: 09/382,443

Docket: 678-343

Date Sent: February 22, 2005

PJF/MJM/dr





PTO/SB/22 (12-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a) FY 2005 (Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).)		Docket Number (Optional) 678-343 (P8855)	
Application Number 09/382,443		Filed August 25, 1999	
For REVERSE CLOSED LOOP POWER CONTROL IN CONTROL HOLD STATE FOR...			
Art Unit 2683		Examiner CUMMING, William D.	
This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application. The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):			
		<u>Fee</u>	<u>Small Entity Fee</u>
<input type="checkbox"/>	One month (37 CFR 1.17(a)(1))	\$120	\$60
<input checked="" type="checkbox"/>	Two months (37 CFR 1.17(a)(2))	\$450	\$225
<input type="checkbox"/>	Three months (37 CFR 1.17(a)(3))	\$1020	\$510
<input type="checkbox"/>	Four months (37 CFR 1.17(a)(4))	\$1590	\$795
<input type="checkbox"/>	Five months (37 CFR 1.17(a)(5))	\$2160	\$1080
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.			
<input type="checkbox"/> A check in the amount of the fee is enclosed.			
<input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.			
<input type="checkbox"/> The Director has already been authorized to charge fees in this application to a Deposit Account.			
<input checked="" type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 04-1121 . I have enclosed a duplicate copy of this sheet.			
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.			
I am the <input type="checkbox"/> applicant/inventor.			
<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SB/96).			
<input checked="" type="checkbox"/> attorney or agent of record. Registration Number 33,494			
<input type="checkbox"/> attorney or agent under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____			
_____ Signature		February 22, 2004 Date	
Paul J. Farrell		(516) 228-8484	
_____ Typed or printed name		_____ Telephone Number	
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.			
<input type="checkbox"/> Total of _____ forms are submitted.			

CERTIFICATION UNDER 37 C.F.R. §1.8(a)

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Dated: February 22, 2005

Michael J. Musella